



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,205	02/12/2002	Mario Jeckle	510.1014	4413

23280 7590 07/27/2005

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

JONES, HUGH M

ART UNIT PAPER NUMBER

2128

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,205

Applicant(s)

JECKLE

Examiner

Hugh Jones

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/12/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7 of U. S. Application 10/074,205, filed 02/12/2002, are pending.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The following title is suggested: *Object Oriented Product Design using Machine Independent Language*.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be directed to modeling of generic abstract ideas.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The numerous recitations of "and/or" render the claims indefinite.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dangelo et al..

10. Dangelo et al. disclose :

A data-processing and information system comprising:

a plurality of data-processing units for different process and/or product phases, which have application-specific languages and/or data models that are different from each other (virtual machine to create a machine-independent operating environment, wherein a designer can access a design object from any point tool object, co-process with another point tool object or spawn a child point tool object. Moreover, a designer is able to work at any desired level of abstraction without the added complication of needing to search out the necessary detail for the component of interest. During the design process, the designer can employ any workstation regardless of operating system or hardware configuration or location. The virtual machine enables a point tool to access a required design object in a heterogenous distributing environment. Consequently, the design can be revised and iteratively refined using a selection of point tool objects until a satisfactory design has been

realized. Object Oriented techniques are employed. See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50), and

an abstraction model for detecting and representing an element affected by a process and/or product modification, on the basis of an object class using a modeling of data characterizing process sequences related to the process phase and product structures related to the product phase (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50).*

data-processing and information system as recited in Claim 1, wherein the abstraction model can be visualized using the appropriate object classes (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50).*

data-processing and information system as recited in Claim 1, wherein a plurality of semantically equivalent elements of the abstraction model can be described by one single object class (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50).*

data-processing and information system as recited in Claim 3, wherein one single element of the abstraction model can be described on the basis of relations of the single object class to other object classes that stand in a reciprocal relation with the single object class (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50).*

data-processing and information system as recited in Claim 1, wherein the abstraction model is provided as input data for transformation algorithms

Art Unit: 2128

for generating other application-specific languages and/or data models on the basis of the object class (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50*).

data-processing and information system as recited in Claim 1, wherein the abstraction model is provided for process chain modeling (*See abstract; fig. 2, 3; col. 2, line 40 to col. 3, line 30; col. 5, line 20 to col. 7, line 25; col. 8, lines 36-50*).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 6,295,513 discloses object-oriented techniques for machine/platform independent collaborative engineering design.

12. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,
Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

Art Unit: 2128

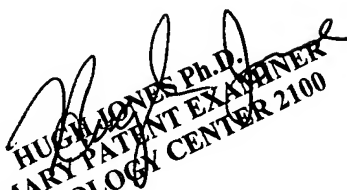
(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label *PROPOSED* or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

July 23, 2005


HUGH JONES Ph.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100